UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

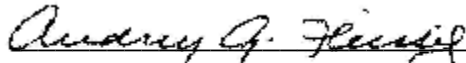|		
DANIEL J. LEE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 4:10CV00840 AGF
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

<u>MEMORANDUM AND ORDER</u>

This matter is before the Court on Plaintiff's motion for attorney's fees in the amount of $2,850.00, pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Plaintiff is the prevailing party in this action challenging the Commissioner of Social Security's denial of his application for Disability Insurance Benefits and Supplemental Security Income. His request for fees is supported by appropriate documentation. The record includes an assignment of fees by Plaintiff to his attorney. The Commissioner states that he does not object to the amount of fees sought.

Upon review of the record, the Court finds that the fee request is reasonable. The Court further holds that the fees should be paid directly to Plaintiff, pursuant to *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010), and not to his attorney. While there is some contrary authority in cases where the prevailing Plaintiff has assigned fees to his or her counsel and has no federal debt, *see, e.g., Johnson v. Astrue*, No. CIV 10-4052-RAL, 2011 WL 4458850, at *8-11 (D.S.D. Sept. 23, 2011), this Court believes, as stated in *Milan v.*

Astrue, No. 2:09CV00024 AGF, 2010 WL 4509830, at *1 (E.D. Mo. Nov. 2, 2010), that

"the better practice is to follow the Supreme Court's directive under *Ratliff*" and direct

payment to the Plaintiff. *See also Winberry v. Astrue*, No. 10-2119, 2011 WL 4105172,

at *3 (W.D. Ark. Sept. 15, 2011); *Vossen v. Astrue*, No. 07-1567 (PAM/LIB), 2011 WL

1322099, at *1-2 (D. Minn. April 7, 2011).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's application for attorney's fees is

GRANTED in the amount of $2,850.00, payable directly to Plaintiff. (Doc. No. 29)

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AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 1st day of November, 2011.